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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,440	07/18/2003	Kenichi Kawaguchi	60188-536	1018
7590 McDermott, Will & Emery 600 13th Street, N.W. Washington, DC 20005-3096		08/16/2007	EXAMINER PAN, DANIEL H	
			ART UNIT 2183	PAPER NUMBER
			MAIL DATE 08/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/621,440	Applicant(s) KAWAGUCHI, KENICHI	
	Examiner Daniel Pan	Art Unit 2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,8 (claims 1-6,9,10 have been canceled) is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 7,8 remain for examination. Claims 1-6,9,10 have been canceled. T.D. on 10/24/06 has been received.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Phillips et al. (5,426,743).

3. As to the newly amended "configured to convert", see discussion in response to applicant's remarks section.

4.

5. Claims 7,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eikemeyer et al. (5,355,460) in view of Holmann et al. (5,815,698).

6. The rejections are maintained and incorporated by reference the last office action on 02/21/07.

7. The response by applicant on 05/21/07 has been fully considered but is not persuasive.

8. In the remarks, applicant argued that :

a) Figs.23,25-27 showed , for example, instruction asl 2, R2 can be converted to add R2, R2, and Philip is completely silent as to a conversion of one of instructions to another equivalent instructions;

- b) Holman's "conversion" was directed to rearranging the instructions in two columns and inserting a NOP in one column where the two instructions can not be executed in parallel; none of the instructions were converted into an equivalent instruction;
- c) Philip does not disclose the first and second instructions originally designated the same ALU.

9. As to a) upon careful reading of applicant's teaching in the specification (see Pages 30-31). There is no teaching of conversion. Instead, applicant taught "replacing" and "exchanging" the instruction for parallelism purpose. Therefore, in view of specification, the claimed "convert" is interpreted as "replacing" or "exchange", or the like (e.g. rearrange) for parallel performance. Philip did teach rearrange of instruction sequence designated at least a second execution unit (see how the second instruction of the pair being executed in an identical machine cycle in parallel with the first instruction by a second ALU, 3-1 ALU, in col.8, lines 55-67, col.9, lines 1-20). Although applicant stated that the instruction, `asl 2, R2`, was converted to `add R2, R2`, no specific details of converting the instruction `asl 2, R2` to `add R2, R2` can be found in either the specification or the claim. Examiner would like to point out that claim has to be supported by specification, and it may raise a potential "112" 1st Paragraph issue. If applicant means that the "conversion" was a real conversion, applicant is kindly invited to point a specific portion that teaches the real conversions. As to the current cited figures by applicant, examiner could not find any conversion except the "replacing" and "exchanging" of the instructions.

10. As to b), see discussions on "conversion" above. Holman is used because it showed clear rearrangement of the instructions, (i.e. the "conversion"). Reasons of obviousness were already given in page 4 of last office action. Therefore, it will not be repeated herein.

11. As to c), Philip clearly taught assigned first instruction (Add) to ALU 63 and assigned a second instruction Compare to another ALU (LAU 64) (see col.17, lines 40-54). The Add and Compare were designated for the same ALU 63 for performing

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arithmetic and logic operations (see col.16, lines 17-20). And , later the second instruction (Compare) was assigned to another ALU 64 (see col.17, lines 40-54) for parallel performance.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

DANIEL H. PEE
PRIMARY EXAMINER